

REMARKS

Claims 1 through 30, 35 through 43, and 45 through 49 are pending. Claims 1-10, 12-19, 24, 30, 35-39, 41, 45, 46, 48 and 49 have been amended, and claim 29 has been canceled without prejudice or disclaimer. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, Fig. 4 and ¶[0027] of the corresponding U.S. Pub. No. 2005/0202872. No new matter has been introduced.

Claim 29 has been rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter.

This rejection is now moot in view of the cancellation to claim 29.

Claims 1, 2, 15, 16, 29, and 45-49 have been rejected under 35 U.S.C. §102(e) as being anticipated by *Peng* (U.S Publication No. 2004/0152487).

The claim features as set forth in the amended claims 1, 15, 30 and 49 from which other pending claims depend recites, *inter alia*, supporting “**controlling of a game through the game data or captured speech.**” For example, this feature is fully supported by Fig. 4 and the accompanying text – e.g., the main control of game communicates with the processed game data and/or processed audio in order to access game controls on the game currently played.

By contrast, the *Peng* reference discloses a control circuit (31) connected to keys (36) which allow a user to input control signals. Unlike the claimed processor, the control circuit (31) in the *Peng* reference simply does not communicate with any processed game data or audio. Indeed, the *Peng* reference as illustrated in Fig. 3 teaches away from such claimed feature in that a microphone (342) is shown coupled to a communication interface (33) and away from the

control circuit (31). A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

Claims 3 through 6, 10 through 14, 17 through 20, and 24 through 28 have been rejected as obvious under 35 U.S.C. §103(a) based on *Peng* in view of *Heden* (U.S. Publication No. 2006/0165027, "*Heden*").

Heden fails to compensate for the above discussed deficiency of *Peng* with respect to a processor or step that supports controlling of a game through the game data or captured speech as set forth in amended claims 15 and 49 from which claims 3-6, 10-14, 17-20, and 24-28 depend, respectively. As such, the Examiner's withdrawal of this rejection is respectfully solicited in view of the claim amendments.

Claims 7 through 9 and 21 through 23 have rejected as obvious under 35 U.S.C. §103(a) based on *Peng* and *Heden* and in view of *Marejka et al.* (U.S. Publication No. 2003/0135639, "*Marejka*").

Marejka fails to compensate for the above discussed deficiencies of *Peng* and *Heden* with respect to a processor or step which supports controlling of a game through the game data or captured speech of the user as set forth in amended claims 15 and 49 from which claims 7-9 and 21-23 depend, respectively. As such, the Examiner's withdrawal of this rejection is respectfully solicited in view of the claim amendments.

Claims 30, 35, and 39 through 43 have been rejected as obvious under 35 U.S.C. §103(a) based on *Peng* in view of *Heden*.

Heden fails to compensate for the above discussed deficiency of *Peng* with respect to a processing unit which supports controlling of a game through the game data or captured speech of the user as set forth in amended claim 30 from which claims 35 and 39-43 depend, respectively. As such, the Examiner's withdrawal of this rejection is respectfully solicited in view of the claim amendments.

Claims 36 through 38 have rejected as obvious under 35 U.S.C. §103(a) based on *Peng* and *Heden* and in view of *Marejka*.

As discussed above, *Marejka* fails to compensate for the above discussed deficiencies of *Peng* and *Heden* with respect to the processing unit which supports controlling of a game through the game data or captured speech of the user as set forth in amended claim 30 from which claims 36-38 depend, respectively. As such, the Examiner's withdrawal of this rejection is respectfully solicited in view of the claim amendments.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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